

IN THE DISTRICT COURT OF DALLAS COUNTY, TEXAS

ROBERT ALLEN BAUTISTA®/ATTORNEY-IN-FACT,
Plaintiff,

v.

CASE #: 3:24-cv-02935-K-BN

SANTANDER CONSUMER USA, AUDI HENDERSON, EQUIFAX INC., EXPERIAN CORPORATION, TRANSUNION,
Defendants.

MOTION TO COMPEL DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Plaintiff, **ROBERT ALLEN BAUTISTA®/ATTORNEY-IN-FACT**, and respectfully moves this Court for an order compelling **Defendant SANTANDER CONSUMER USA** to provide full and complete responses to Plaintiff's discovery requests. In support of this Motion, Plaintiff shows as follows:

I. Factual Background

1. Plaintiff initiated this lawsuit alleging that **Defendant SANTANDER CONSUMER USA** fraudulently altered a negotiable instrument related to the account number ending in 8089, including the addition of an unauthorized allonge. Plaintiff claims that these actions misled him into continuing payments on an account under fraudulent representations.
2. On or about **October 7, 2022**, Plaintiff received a negotiable instrument from **Defendant SANTANDER CONSUMER USA** which was falsely represented as valid under its original terms. However, Plaintiff later discovered that the instrument was altered with an unauthorized allonge, which modified the terms of the account without Plaintiff's consent or knowledge.
3. Plaintiff served **Defendant SANTANDER CONSUMER USA** with discovery requests related to the account ending in 8089. Despite the passage of time and the importance of these documents to Plaintiff's claims, **Defendant has failed to produce responsive documents** or provide adequate responses.

II. Discovery Requests

Plaintiff has requested the following discovery documents, which are directly related to his allegations of fraud, misrepresentation, and financial harm:

1. **GAAP Financial Statements:** All balance sheets, income statements, statements of cash flows, and any other financial documents reflecting the financial standing and operations of the account number ending in 8089, including any period of active payments or modifications to the account.
2. **Account Information:** Complete transaction and payment history, records of activity, communications, and any alterations made to the account or the negotiable instrument, including but not limited to the unauthorized allonge.

3. **Documentation of Communication:** Any communication between **Defendant SANTANDER CONSUMER USA** and the Plaintiff regarding the account, including correspondence, phone records, and emails, especially any related to misrepresentation or fraudulent conduct involving the unauthorized alteration.
4. **Supporting Documentation:** Documents supporting the representation of the account as valid and enforceable, and any documentation that substantiates the original terms of the account prior to the alteration or modification.

III. Failure to Respond

Defendant **SANTANDER CONSUMER USA** has failed to provide the requested discovery or offer any valid objections to the requests. As a result, Plaintiff is unable to fully understand the scope of the fraudulent actions alleged and to take the necessary steps to resolve the dispute.

IV. Legal Grounds

Texas Rules of Civil Procedure Rule 176 provides that a party may move for an order compelling discovery when another party fails to respond to discovery requests or provides inadequate responses. Defendant's failure to produce the requested documents hinders Plaintiff's ability to proceed with the claims and defend his rights.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Court:

1. Grant Plaintiff's Motion to Compel Defendant **SANTANDER CONSUMER USA** to provide complete and accurate responses to Plaintiff's discovery requests within **15 days** of the Court's order.
2. Award Plaintiff any further relief the Court deems just and proper.

Respectfully submitted,

**WITHOUT RECOURSE
WITHOUT PREJUDICE
ROBERT ALLEN BAUTISTA®
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DATED: December 6, 2024**